

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

KY HUU CHRISTY,

Plaintiff,

No. CV05-1580-HU

ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATION

v.

MICHAEL SCHRUNK, ET AL.,

Defendants.

MOSMAN, J.,

On March 30, 2006, Magistrate Judge Hubel issued Findings and Recommendation ("F&R") (docket #28) in the above-captioned case recommending that defendants' motions to dismiss (#6, #13) be granted. An objection (#35) to the F&R was filed by plaintiff on April 24, 2006. Defendant City of Portland filed a response (#37) to plaintiff's objections on May 3, 2006. Defendants Michael Schrunk and Christine Mascal filed a response (#39) to plaintiff's objections on May 8, 2006.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions

of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the F&R, the F&R is ADOPTED without modification.

IT IS SO ORDERED.

DATED this 31st day of May, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court